Applicant : Abram Katz et al.
Serial No. : 10/606,471
Filed : June 25, 2003
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Attorney's Docket No.: 13425-0115001 / BV-1025 US

REMARKS

In the reply to Office Action filed on June 17, 2008, applicants requested that finality of the Office Action dated March 19, 2008 be withdrawn. In particular, applicants asserted that the introduction of the new grounds of rejection contained in that action were neither necessitated by applicants' amendment of the claims nor based on information submitted in an information disclosure statement.

The present Office Action states that the file wrapper does not have any record of the Office Action dated March 19, 2008 having been final and requests that applicants provide a copy of that action. Although applicants are confident that the Office maintains a copy of the action in its records, applicants comply with the Examiner's request by enclosing herewith as "Exhibit A" a copy of the Office Action dated March 19, 2008. The Examiner is directed to the "Office Action Summary" page, wherein Box 2a is checked "This action is **FINAL.**"

If the Office now holds the view that the action of March 19, 2008 contained an error in Box 2A and should not have been final or in fact was never entered in the Office's system as final, then there would appear to be no controversy with applicants' prior request that finality be withdrawn. If the present response does not resolve this issue for the Examiner, applicants earnestly request that the Examiner call the undersigned to discuss rather than to mail another action on this seemingly straightforward issue.

No fee is believed due. However, if a fee is due please apply any charges (or credits) to deposit account 06-1050, referencing Attorney Docket No. 13425-0115001.

Respectfully submitted,

Date: August 28, 2009   /Jack Brennan/
                                                    Jack Brennan
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